
**I-5 / Everett HOV
Design-Build Project**

**REQUEST
FOR
PROPOSALS**

**Appendix P1
Hydraulic Project Approval**

Addendum #4:

February 8, 2005



Issue Date: January 12, 2005
Expiration Date: January 11, 2010

Control Number: 100266-1
FPA/Public Notice #:

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Wash State Dept of Transportation ATTENTION: Benjamin Brown Post Office Box 330310 MS-138 Seattle WA, 98133-9710 206-440-4528()	RECEIVED JAN 12 2005 ENVIRONMENTAL

Project Name: I-5, SR-526 to Marine View Drive HOV Lanes
Project Description: Associated with construction of new I-5 HOV lanes, freeway partial reconstruction, and stormwater treatment facility upgrades. The work within the ordinary high water line (OHWL) will include reconstruction of an existing stormwater egress channel draining directly to the Snohomish River.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin January 12, 2005, and shall be completed by January 11, 2010, provided;

Work within the ordinary high water line (OHWL) of the stormwater egress channel shall be restricted to the time period of April 1 to October 31, annually. This approved work time period avoids the time of potential high flows that may inundate the work area and potential fish presence.

2. **NOTIFICATION REQUIREMENT:** The Area Habitat Biologist listed below shall receive written notification (FAX or mail) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than seven (7) working days prior to start of work, and again within seven (7) days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

3. Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled I-5 - Everett, SR-526 to US 2 HOV Lanes Energy Dissipator Cross Sections Sheets 8 and 9, and dated November 2004, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

Any changes to these approved plans during the design-build planning process that will not comply with the provisions and mitigation standards of this HPA shall require a separate review by the Washington State Department of Fish and Wildlife (WDFW) and a change of this HPA.

EQUIPMENT PROVISIONS:

4. Equipment used for this project may operate below the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the ordinary high water line unless the water flow is bypassed in the work area.



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5. Equipment used for this project shall be free of external petroleum-based products while working around the stream. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

FISH KILL AND WATER QUALITY PROVISION:

6. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

WATER QUALITY PROTECTION PROVISIONS:

7. Every effort shall be taken during all phases of this project to ensure that sediment-laden water is not allowed to enter the stream.

8. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.

9. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to a site approved by the appropriate regulatory authority to allow removal of fine sediment and other contaminants prior to being discharged to the stream.

10. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an upland disposal site approved by the appropriate regulatory authority.

11. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

12. Care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.

13. Fresh concrete or concrete by-products shall not be allowed to enter the stream at any time during this project. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from getting into the stream.



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WATER BYPASS PROVISIONS:

14. A temporary water bypass to divert flow around the work area shall be in place prior to initiation of other work in the wetted perimeter.
15. A sandbag revetment or similar device shall be installed at the water bypass inlet to divert the entire flow through the bypass.
16. A sandbag revetment or similar device shall be installed at the downstream end of the water bypass to prevent backwater from entering the work area.
17. The water bypass shall be of sufficient size to pass all flows and debris for the duration of the project.
18. Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.
19. Upon completion of the project, all material used in the temporary water bypass shall be removed from the site and the site returned to preproject or improved conditions.

FISH REMOVAL PROVISIONS:

20. The permittee shall capture and safely move food fish, game fish, and other fish life from the job site. The permittee shall have fish capture and transportation equipment ready and on the job site. Captured fish shall be immediately and safely transferred to free-flowing water downstream of the project site. The permittee may request the Washington Department of Fish and Wildlife assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

RECONSTRUCTED STORMWATER FACILITIES PROVISIONS:

21. The stormwater egress channel stormwater dissipator pad shall be constructed of clean streambed and bank armor materials (rock or functionally equivalent material), configured to dissipate stormwater outfall hydraulic energy, and configured to prevent ponding of water that would strand fish on receding water levels.
22. The stormwater egress channel stormwater dissipator pad shall be continuously sloped to its confluence with the lower egress channel to prevent fish stranding during receding water.
23. The stormwater egress channel bed and bank armored area's width shall not exceed twenty(20) feet.



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24. All stormwater structures (basins, culverts, etc) that convey stormwater from above the stormwater egress channel and downslope of the wetland mitigation ponded area outlet shall be sloped toward the egress channel in such a manner that will prevent ponding of water during receding high and floodwater flows, to prevent fish stranding.

25. The work area adjacent to the stormwater egress channel in the river riparian areas shall be held to a minimum. Any disturbed vegetation and soils in these areas shall be replanted and stabilized as required by provisions of this Hydraulic Project Approval (HPA).

VEGETATION REPLANTING AND DISTURBED SOILS STABILIZATION PROVISION:

26. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for three years to ensure 80 percent survival.

PROJECT LOCATIONS

Location #1 Unnamed

Work Start:01-12-2005 Work End:01-11-2010

<u>WRIA</u>	<u>WATERBODY</u>		<u>TRIBUTARY TO</u>		<u>COUNTY</u>	
07.0002	Unnamed Tributary (lb)		null		Snohomish	
<u>1/4 SEC.</u>	<u>Section</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude</u>	
W 1/2	32	29 N	05 E	N 47.9503	W 122.1924	
DRIVING DIRECTIONS: I-5 Everett vicinity, exit to 3rd avenue, south on 3rd avenue 3/4 mile, east on Lowell avenue 1/4 mile to city park along river, walk north along river trail 1/4 mile to site.						

NOTES

This stream is a stormwater tributary to the Snohomish River.

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Code, specifically RCW 77.55 (formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.



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The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All Hydraulic Project Approvals issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS INFORMATION

IF YOU WISH TO APPEAL THE ISSUANCE OR DENIAL OF, OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Environmental Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140: A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

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(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

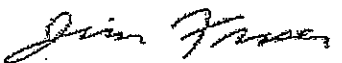
A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

ENFORCEMENT OFFICER: Heinck (25) [Sergeant]

Jim Fraser	360-902-2566		for Director WDFW
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CC: